

Introduced by Committee on Governmental Organization (Senators Wright (Chair), Anderson, Berryhill, Calderon, Cannella, Corbett, De León, Evans, Hernandez, Padilla, Strickland, Wyland, and Yee)

March 21, 2011

An act to amend Sections 14745, 14746, 14750, 14755, 14756, 14765, 14766, and 14767 of, and to repeal Sections 14760 and 14768 of, the Government Code, relating to the Secretary of State.

LEGISLATIVE COUNSEL'S DIGEST

SB 938, as introduced, Committee on Governmental Organization. Secretary of State duties.

Existing law requires the Director of General Services to establish and administer in the executive branch of state government a records management program.

This bill would transfer duties of the director that are related to records management to the Secretary of State. This bill would also transfer persons employed by the Department of General Services in the California Records and Information Management Program, and all equipment and records in the State Records Center in the Department of General Services, to the Secretary of State.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14745 of the Government Code is
2 amended to read:

1 14745. The ~~director~~ *Secretary of State* shall establish and
2 administer in the executive branch of state government a records
3 management program, which will apply efficient and economical
4 management methods to the creation, utilization, maintenance,
5 retention, preservation, and disposal of state records.

6 SEC. 2. Section 14746 of the Government Code is amended
7 to read:

8 14746. The duties of the ~~director~~ *Secretary of State* shall
9 include, but not be limited to, *the following*:

10 (a) Establishing standards, procedures, and techniques for
11 effective management of records.

12 (b) Providing appropriate protection for records designated by
13 state agencies, ~~with the concurrence of the director~~, as essential to
14 the functioning of state government in the event of a major disaster.

15 (c) Obtaining from agencies reports required for the
16 administration of the program.

17 SEC. 3. Section 14750 of the Government Code is amended
18 to read:

19 14750. The head of each agency shall:

20 (a) Establish and maintain an active, continuing program for
21 the economical and efficient management of the records and
22 information collection practices of the agency. The program shall
23 ensure that the information needed by the agency shall be obtained
24 with a minimum burden upon individuals and businesses, especially
25 small business enterprises and others required to furnish the
26 information. Unnecessary duplication of efforts in obtaining
27 information shall be eliminated as rapidly as practical. Information
28 collected by the agency shall, as far as is expedient, be collected
29 and tabulated in a manner ~~which~~ *that* maximizes the usefulness of
30 the information to other state agencies and the public.

31 (b) Determine, with the concurrence of the ~~director~~ *Secretary*
32 *of State*, records essential to the functioning of state government
33 in the event of a major disaster.

34 (c) Comply with the rules, regulations, standards and procedures
35 issued by the ~~director~~ *Secretary of State*.

36 SEC. 4. Section 14755 of the Government Code is amended
37 to read:

38 14755. (a) No record shall be destroyed or otherwise disposed
39 of by any agency of the state, unless it is determined by the ~~director~~
40 *Secretary of State* that the record has no further administrative,

1 legal, or fiscal value and the Secretary of State has determined that
2 the record is inappropriate for preservation in the State Archives.

3 (b) ~~The director~~ *Secretary of State* shall not authorize the
4 destruction of any record subject to audit until he or she has
5 determined that the audit has been performed.

6 (c) ~~The director~~ *Secretary of State* shall not authorize the
7 destruction of all or any part of an agency rulemaking file subject
8 to Section 11347.3.

9 SEC. 5. Section 14756 of the Government Code is amended
10 to read:

11 14756. The public records of any state agency may be
12 microfilmed, electronically data imaged, or otherwise
13 photographically reproduced and certified upon the written
14 authorization of the head of the agency. The microfilming,
15 electronic data imaging, or photographic reproduction shall be
16 made in compliance with the minimum standards or guidelines,
17 or both, as recommended by the American National Standards
18 Institute or the Association for Information and Image
19 Management, and as adopted by the ~~Department of General~~
20 ~~Services in consultation with the~~ Secretary of State, for recording
21 of permanent records or nonpermanent records.

22 The certification of each reproduction or set of reproductions
23 shall be in accordance with the standards, or have the approval, of
24 the Attorney General. The certification shall contain a statement
25 of the identity, description, and disposition or location of the
26 records reproduced, the date, reason, and authorization for the
27 reproduction, and other information that the Attorney General
28 requires.

29 The certified reproductions shall be deemed to be original public
30 records for all purposes, including introduction in courts of law
31 and state agencies.

32 SEC. 6. Section 14760 of the Government Code is repealed.

33 ~~14760. The director shall, through the Secretary of the State~~
34 ~~and Consumer Services Agency, make an annual written report to~~
35 ~~the Governor. The report shall describe the status and progress of~~
36 ~~programs established pursuant to this chapter and shall include the~~
37 ~~recommendations of the director for improvements in the~~
38 ~~management of records in the state government.~~

39 SEC. 7. Section 14765 of the Government Code is amended
40 to read:

1 14765. All persons, other than temporary employees, serving
2 in the state civil service and employed by the ~~Secretary of State~~
3 ~~Department of General Services~~ in the ~~Central Record Depository~~
4 ~~California Records and Information Management Program and~~
5 ~~the State Records Center~~, shall remain in the state civil service
6 and are hereby transferred to the ~~Department of General Services~~
7 ~~Secretary of State~~. The status, positions, and rights of such persons
8 shall not be affected by their transfer and shall continue to be
9 retained by them pursuant to the State Civil Service Act.

10 SEC. 8. Section 14766 of the Government Code is amended
11 to read:

12 14766. All equipment and records in the ~~Central Record~~
13 ~~Depository State Records Center~~ in the ~~office of the Secretary of~~
14 ~~State Department of General Services~~ are transferred to the
15 ~~Department of General Services Secretary of State~~.

16 SEC. 9. Section 14767 of the Government Code is amended
17 to read:

18 14767. The ~~director~~ *Secretary of State* shall establish, maintain,
19 and operate record centers for the storage, processing, and servicing
20 of records for state agencies pending their deposit with the Archives
21 of the State of California or their disposition in any other manner
22 authorized by law.

23 SEC. 10. Section 14768 of the Government Code is repealed.

24 ~~14768. This article shall become operative on January 1, 1967.~~